

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

SUIT NO. 2643 OF 1996

Stephen Pereira & Ors. .. Plaintiffs
Vs.
Cyril Pereira & Ors. .. Defendants

Mr. I. S. Mecwan for the Plaintiff.
Mr. E. H. Kotwal i/b R. A. Shaikh for Defendant No.1.
Mr. Denzil D'mello for Defendant No.3.

CORAM : **MRS. ROSHAN DALVI, J.**
Date : **4th JULY, 2011.**

P.C.

1. The Suit has been undefended by Defendant No.1 since 1996. The Written Statement is now sought to be filed. The Suit is between the siblings. The Suit is for partition. Defendant No.2 has admitted the Plaintiffs' right. Defendant No.3 who was initially Plaintiff No.2 also accepts the Plaintiffs' case of partition.

2. Only contesting Defendant is Defendant No.1. Defendant No.1 has come at this last stage when otherwise ex parte orders have to be passed. The Written Statement of Defendant No.1 is affirmed today. The Written Statement shall be accepted on record subject to payment of costs of Rs.25,000/- to be paid within two weeks from today.

3. If the costs are paid and the Written Statement is accepted, the Suit shall be placed on board for framing the issues on 22nd July, 2011. If not, ex parte order shall be passed on that date.

(ROSHAN DALVI, J.)